

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NORTHBROOK PARK DISTRICT, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

MR. DAVID'S FLOORING
INTERNATIONAL, LLC, DIVERZIFY+ LLC
f/k/a MR. DAVID'S FLOORING
INTERNATIONAL, LLC, PCI FLORTECH
INC., VORTEX COMMERCIAL FLOORING,
INC., CONSOLIDATED CARPET
ASSOCIATES, LLC, COMMERCIAL
CARPET CONSULTANTS, INC.,
MICHAEL P. GANNON, DELMAR E.
CHURCH, JR., ROBERT A. PATREY, JR., and
KENNETH R. SMITH,

Defendants.

Civil Action No. 20-cv-07538

Hon. Robert M. Dow, Jr.

**PLAINTIFF'S UNOPPOSED MOTION TO RESCHEDULE CASE DEADLINES
AND LEAVE TO FILE MEMORANDUM IN EXCESS OF FIFTEEN PAGES**

Plaintiff Northbrook Park District ("Plaintiff") hereby moves to reschedule the deadline to file its motion for preliminary approval of the parties' class action settlement agreement and for leave of the Court to file a supporting memorandum for preliminary approval of the parties' class action settlement in excess of fifteen pages. In support of this motion, Plaintiff states as follows:

1. Pursuant to this Court's June 21, 2021 minute entry (Dkt. No. 56), the deadline for Plaintiff to file its motion and supporting memorandum for preliminary approval of the parties' class action settlement agreement is on August 20, 2021 and the hearing on that motion is currently scheduled for September 1, 2021 at 9:00 a.m.

2. The parties have exchanged drafts of their settlement agreement and Defendants have produced additional materials pursuant to Federal Rule of Civil Procedure 408.

3. The parties are working diligently to memorialize all terms of their class action settlement agreement, which is subject to the Court's approval pursuant to Federal Rule of Civil Procedure 23. Despite best efforts, the parties require additional time to finalize their class action settlement agreement and for Plaintiff's counsel to review new materials produced in informal discovery.

4. Accordingly, Plaintiff respectfully requests an extension of 45 days, or until October 4, 2021, to allow the parties sufficient time to finalize their settlement agreement and for Plaintiff to file a motion and supporting memorandum for preliminary approval of the parties' class action settlement.

5. In light of the requested extension, Plaintiff also respectfully requests that the Court strike the September 1, 2021 preliminary approval hearing and set a new hearing on or after October 11, 2021, subject to the Court's availability.

6. Additionally, in order to adequately address all of the necessary information and arguments in favor of the parties' class action settlement, Plaintiff reasonably believes that it will require additional pages, over the 15-page limit set forth in this Court's local rules, for its memorandum in support of Plaintiff's motion for preliminary approval of the parties' class action settlement.

7. Granting an extension of the deadline to file a motion and supporting memorandum in favor of preliminary approval as well as an allowance of additional pages for Plaintiff's supporting memorandum in favor of preliminary approval will not prejudice any party and will not result in any undue delay.

8. On August 17, 2021, Plaintiff's counsel circulated this motion to counsel for Defendants. Defendants' counsel indicated that there was no objection to this motion.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that the Court enter an order stating:

- A. That Plaintiff's Uncontested Motion to Reschedule Case Deadlines and Leave to File Memorandum in Excess of Fifteen Pages is GRANTED;
- B. That Plaintiff is given until October 4, 2021 to file its motion and supporting memorandum in favor of preliminary approval of the parties' class action settlement;
- C. That the September 1, 2021 preliminary approval hearing is hereby stricken;
- D. That the Court set a new hearing on Plaintiff's motion for preliminary approval of the parties' class action settlement for on or after October 11, 2021; and
- E. Such other relief as the Court deems appropriate.

Dated: August 18, 2021

Respectfully submitted,

By: /s/ Michael L. Silverman

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Counsel for Plaintiff and the Class

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing Plaintiff's Uncontested Motion to Reschedule Case Deadlines and Leave to File Memorandum in Excess of Fifteen Pages was filed this 18th day of August 2021 via the electronic filing system of the United States District Court for the Northern District of Illinois, which will automatically serve all counsel of record.

To the extent that any party has not yet filed an appearance, Plaintiff's counsel will serve the foregoing Plaintiff's Uncontested Motion to Reschedule Case Deadlines and Leave to File Memorandum in Excess of Fifteen Pages via electronic mail on counsel for those parties.

/s/ Michael L. Silverman